

REMARKS/ARGUMENTS

Claims 1-30 are pending in the present application. In the Office Action mailed April 27, 2007, the Office Action rejected claim 16 under 35 U.S.C. § 101. The Office Action rejected claims 23-25 under 35 U.S.C. § 112. The Office Action rejected claims 1, 3-4, 6, 8-16 and 18-27 under 35 U.S.C. § 102. The Office Action rejected claims 2, 5, 7, 12, 17 and 28-30 under 35 U.S.C. § 103. Claims 1, 16, 23, 26 and 28 have been amended. Claims 2 and 18 has been canceled.

Applicants respectfully respond to the Office Action.

I. Specification

The Office Action suggested the inclusion of a Brief Summary of the Invention heading. Office Action, pages 2-4. The relevant section of the MPEP states that the “following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.” MPEP 608.01(a) ¶ 6.01. Applicant respectfully submits that the suggested inclusion of a Brief Summary of the Invention heading is merely a suggestion and requests that any objection to the Specification headings be withdrawn.

II. Rejection of Claim 16 under 35 U.S.C. § 101

The Office Action rejected claim 16 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claim 16 has been amended to recite “a set of executable instructions on a computer readable medium.” In view of this amendment, Applicant submits that this claim is directed toward statutory subject matter and requests that the rejection of this claim be withdrawn.

III. Rejection of Claims 23-25 under 35 U.S.C. § 112

The Office Action rejected claims 23-25 under 35 U.S.C. § 112 as failing to comply with the written description requirement and as failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully disagrees. Applicant believes there is sufficient to provide an adequate written description of an imaging server and to

particularly point out and distinctly claim the subject matter which Applicant regards as the invention. However, in order to further prosecution, claims 23-25 have been amended to recite an “imaging system.” Applicant respectfully requests that the § 112 rejections be withdrawn.

IV. Claims 1, 3-4, 6, 8-16 and 18-27 Rejected Under 35 U.S.C. § 102(a)

The Office Action rejected claims 1, 3-4, 6, 8-16 and 18-27 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,519,048 to Tanaka (hereinafter, “Tanaka”). This rejection is respectfully traversed.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the ... claim.” Id. (citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, “the reference must be enabling and describe the applicant’s claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention.” In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Claim 1 has been amended to recite “discovering an implicit network address from the imaging job without using an explicit address of a monitoring process in the imaging job.” This amendment is supported by at least original claim 2 and paragraph 22 of Applicant’s specification. The Office Action admits that “Tanaka fails to teach and/or suggest discovering the implicit network address is achieved without using an explicit process of a monitoring process in the imaging job.” Office Action, page 10.

The Office Action cites U.S. Patent No. 6,469,796 to Leiman et al. (hereinafter, “Leiman”) as teaching that “a well-known example of discovering the implicit network address is achieved without using an explicit process of a monitoring process in the imaging job.” Office Action, page 10. The Office Action cites Figures 5-31 of Leiman for this assertion. Applicant respectfully disagrees.

Instead, Leiman states that “an open systems printing environment includes an open print server connected to source computers through a [TCP/IP] network.” Leiman, Figure 5; col. 3, lines 50-53. Leiman further states that the “IP layer of the TCP/IP protocol stack provides the routing mechanism/computer addressing information” which is used “to forward bytes from source computers to the open print server.” Leiman, col. 4, lines 13-17. This “addressing information” in the “IP layer of the TCP/IP protocol stack” is not the same as an “implicit network address” as claimed by Applicant. Leiman teaches the general structure of a “TCP/IP protocol stack” as part of the protocol. Leiman, Fig. 4. There is no mention that this “TCP/IP protocol stack” is used in any specific embodiment to “discover[] an implicit network address from the imaging job without using an explicit address of a monitoring process in the imaging job.” It is not even clear that the “imaging job” comprises a “TCP/IP protocol stack.” Even more unclear is whether the “TCP/IP protocol,” if it is even part of the “imaging job” at all, comprises an “implicit network address” that is “discover[ed]” by a “computer system” as in Applicant’s claim 1.

Furthermore, the fact that the “addressing information” is used “to forward bytes from source computers to the open print server” does not automatically infer that it uses “an implicit network address” to do so. Leiman never states that the “TCP/IP protocol stack” comprises a “network address” at all. The “addressing information” could be any type of “information” that facilitates “forward[ing] bytes from source computers to the open print server.” Thus, using “addressing information” to “forward bytes from source computers to the open print server” cannot reasonably be construed as “discovering an implicit network address from the imaging job without using an explicit address.”

Moreover, with respect to Leiman, there is no mention of the “addressing information” being “from the imaging job.” In fact, Leiman explicitly states that it is used “to forward bytes from the source computers to the open print server.” Therefore, at most the “addressing information” in Leiman relates to the “open print server” while the “implicit network address” claimed by Applicant relates to the “computer system” that “send[s] an imaging job” and subsequently “monitor[s]” it.

Basically, Leiman arguably teaches “addressing information” relating to the receiver of an “imaging job” while Applicant teaches an “implicit network address” relating to the sender.

Leiman also teaches a “graphical user interface to an open systems printing environment” comprising a “Job Queue Status table” that displays the print jobs which “[t]he operator may then sort” according to “source, among other things.” Leiman, col. 3, lines 48-49; col. 7, lines 34-40; figs. 6-31. Leiman further teaches that “[w]hen the source option is selected, a source computer pop-up menu is displayed from which the operator may select a source computer to sort the Job Queue Status table on.” Leiman, Fig. 13; col. 7, lines 49-52. This also does not teach “discovering an implicit network address from the imaging job without using an explicit address of a monitoring process in the imaging job.” Sorting print jobs by “source” does not mean that the “network address[es]” of the “source[s]” have been “discovered” from the “imaging job.” Actually, it is unclear whether the “network address[es]” of the “source[s]” are known at all. Leiman shows the “source” identifiers as “CPU1” and “AWM1_SVR.” Leiman, Fig. 8, Fig. 9. Such identifiers cannot reasonably be construed as “implicit network address[es].” The identifiers “CPU1” and “AWM1_SVR” are not “network addresses,” but rather identifiers assigned by the “print server” to associate a print job to a “client.” So, even though Leiman teaches associating identifiers with “clients,” it does not teach “discovering an implicit network address from the imaging job.”

In view of the foregoing, Applicant respectfully submits that claim 1 is patentably distinct from Tanaka. Accordingly, Applicant respectfully requests that the rejection of claim 1 be withdrawn.

Claims 3, 4, 6, and 8-15 depend either directly or indirectly from claim 1. Accordingly, Applicant respectfully requests that the rejection of claims 3, 4, 6, and 8-15 be withdrawn for the same reasons as those presented in connection with claim 1 because Tanaka does not disclose all of the elements of claim 1.

Claims 16, 23, and 26 are similar to claim 1. Accordingly, Applicant respectfully requests that the rejection of claims 16, 23, and 26 be withdrawn.

Claims 19-22 depend either directly or indirectly from claim 16. Claims 24 and 25 depend either directly or indirectly from claim 23. Claim 27 depends directly from claim 26. Accordingly, Applicant respectfully requests that the rejection of claims 19-22, 24, 25, and 27 be withdrawn for the same reasons as those presented in connection with claim 1 because Tanaka does not disclose all of the elements of claim 1.

V. Claims 2, 5, 7, 12, 17, 28-30 Rejected Under 35 U.S.C. § 103(a)

The Office Action rejected claims 2, 5, 7, 12, 17, 28-30 under 35 U.S.C. § 103(a) as being unpatentable over Tanaka in view of U.S. Patent No. 6,469,796 to Leiman et al. (hereinafter, "Leiman"). This rejection is respectfully traversed.

Claims 5, 7 and 12 depend either directly or indirectly from claim 1. Accordingly, Applicant respectfully requests that the rejection of claims 5, 7 and 12 be withdrawn for the same reasons as those presented in connection with claim 1 because Tanaka, alone or in combination with Leiman, does not teach or suggest all of the elements of claim 1.

Claims 17 depends directly from claim 16. Accordingly, Applicant respectfully requests that the rejection of claim 17 be withdrawn for the same reasons as those presented in connection with claim 16 because Tanaka, alone or in combination with Leiman, does not does not teach or suggest all of the elements of claim 16.

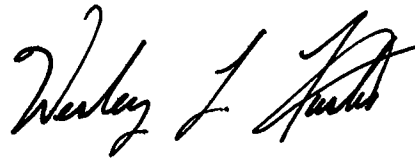
Claims 28-30 depend either directly or indirectly from claim 26. Accordingly, Applicant respectfully requests that the rejection of claims 28-20 be withdrawn for the same reasons as those presented in connection with claim 26 because Tanaka, alone or in combination with Leiman, does not does not teach or suggest all of the elements of claim 26.

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VI. Conclusion

Applicant respectfully asserts that all pending claims are patentably distinct from the cited references, and requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wesley L. Austin". The signature is fluid and cursive, with the first name "Wesley" being the most prominent.

/Wesley L. Austin/

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